



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

PLANNING COMMISSION

*Promoting the wise use of land
Helping build great communities*

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MEETING DATE May 26, 2005	CONTACT/PHONE Brian Pedrotti 788-2788	APPLICANT Terry Speizer	FILE NO. DRC2004-00090
SUBJECT Request by Terry Speizer for a Conditional Use Permit to allow an agricultural accessory building and relocation of a processing wastewater facility (constructed wetlands). This CUP would supplement the Development Plan D970262D previously approved in 1999, which included construction of a winery building and associated uses. The project will result in the disturbance of approximately 4.5 acres of a 63-acre parcel. The proposed project is within the Agriculture land use category and is located at 7527 Orcutt Road, approximately 1,300 feet north of Tiffany Ranch Road and approximately 3.5 miles north of the City of Arroyo Grande. The site is in the San Luis Bay (Inland) planning area.			
RECOMMENDED ACTION 1. Adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Conditional Use Permit DRC2004-00090 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on April 26, 2005, for this project. Mitigation measures are proposed to address aesthetics, air quality, geology and soils, noise, and wastewater, and are included as conditions of approval.			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION Flood Hazard	ASSESSOR PARCEL NUMBER 044-231-045)	SUPERVISOR DISTRICT(S) 4
PLANNING AREA STANDARDS: Sec. 22.108.020 – San Luis Obispo Planning Area, Areawide Standards			
EXISTING USES: Winery under construction, vineyard, row crop			
SURROUNDING LAND USE CATEGORIES AND USES: North: Agriculture / agricultural uses South: Residential Rural / residential, agricultural uses East: Agriculture / agricultural uses West: Agriculture / agricultural uses			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

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OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, Ag Commissioner, County Parks, CDF, APCD, Regional Water Quality Control Board, City of San Luis Obispo	
TOPOGRAPHY: Nearly level	VEGETATION: Grasses, vineyards, rowcrops
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CDF	ACCEPTANCE DATE: March 23, 2005

PROJECT HISTORY

On March 25, 1999, the Planning Commission conditionally approved Development Plan D970262D for the subject site to allow a winery facility and associated uses. The decision was appealed by Friends for Responsible Edna Valley Development to the Board of Supervisors, and the matter was heard on November 2, 1999 following a number of continuances. At that meeting, the Board denied the appeal and modified the conditions of approval. The final findings and conditions of approval were extensive and addressed many items including environmental issues and operational standards for the winery facility and wastewater processing pond. Included in these conditions were the following:

Consistent with the agreement with project appellants (Friends for Responsible Edna Valley Development), move the entire facility to the northeast across the "flat" bisecting the property, such that the knoll will act as a visual and noise barrier between the facility and residential uses to the southwest. (Condition #2.a)

The project shall be operated and maintained to be in compliance with these conditions of approval. There shall be no alterations in use or expansion of use areas without first securing the necessary permits from the County or other appropriate agencies. All future structures including agricultural accessory structures are prohibited without Development Plan approval. (Condition #24)

The applicant obtained over-the-counter approval of an agricultural exempt barn from the County erroneously on April 15, 2003, and subsequently constructed the barn on the site. In 2004, the County was made aware of the error from nearby property owners, and informed the property owner that approval of a Conditional Use Permit would be required to legalize the existing agricultural barn and to approve the proposed relocation of the wastewater processing facility.

PROJECT ANALYSIS

Ordinance Compliance:

<u>Standard</u>	<u>Allowed/Required</u>	<u>Complies?</u>
Setbacks		
Front	25	Yes
Side	30	Yes
Rear	30	Yes
Height	35	Yes

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Landscaping/Screening. The applicant has agreed to incorporate landscaping/screening mitigation measures into the project to reduce visual impacts on adjacent properties of the existing barn. The applicant has included a preliminary landscaping plan that identifies fast-growing species that will provide a relatively quick vegetative screen on three sides of the structure. Landscape, irrigation, and landscape maintenance plans will be required for review and approval using only plant material consistent with the Land Use Ordinance. The conditions include monitoring of the landscaping on an annual basis for three years, and provisions for providing the specified amount of screening within five years.

Lighting. The applicant has agreed to submit an exterior lighting plan, including the height, location, and intensity of all exterior lighting. Lighting fixtures must be dark colored, and no part of the lamp or reflector interior may be visible from adjacent property.

Condition Compliance of Original Development Plan:

Agricultural Accessory Building. The original Development Plan D970262D included numerous conditions of approval relating to the winery facility and associated accessory uses. As discussed earlier, the existing agricultural accessory building failed to meet the original condition requiring Development Plan approval and notification of adjacent property owners. This Conditional Use Permit request is intended to meet that original condition, with the addition of landscaping/screening requirements to reduce visual impacts of the existing building.

Constructed Wetlands. The proposed location of the constructed wetlands fails to meet the condition that the entire facility be located to the northeast across the "flat" bisecting the property to provide a visual and noise barrier. Staff has included a condition of approval that the location of the constructed wetlands shall be within 500 feet of the winery facility to remain consistent with the original approval. The applicant has proposed a constructed wetland as an alternate method of wastewater processing from the original permit. Staff has received comments from the California Regional Water Quality Control Board expressing support for the constructed wetlands due to their reduced tendency to fail as well as their greater energy efficiency (see attached letter dated Feb. 18, 2005).

In addition, this Conditional Use Permit includes relevant conditions of approval from the original Development Plan, including restrictions on outdoor storage, liquid waste discharge, air quality control measures, noise limits, notification requirements, and a requirement for future structures to obtain Conditional Use Permit approval. None of these additional conditions intend to alter or remove conditions of approval that remain from the original Development Plan.

PLANNING AREA STANDARDS: The following sections discuss the planning area standards that apply to this project.

Section 22.108.020 San Luis Obispo Planning Area Standards: Areawide

Undergrounding: All projects requiring Conditional Use Permit approval shall provide for utilities being placed underground. The project meets this standard as conditioned.

Planning Impact Areas: Applications for discretionary land use permits shall be referred to the City of San Luis Obispo if in its planning impact area. The project meets this standard.

AGENCY REVIEW:

Public Works – General questions regarding location of building on property.

Environmental Health – Recommends assuring water supply is adequate and soil is capable of handling waste stream.

Ag Commissioner – Project represents similar impacts to agricultural resources as original proposal due to amount of conversion of prime soils. No mitigation is recommended.

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County Parks – No comments.

CDF – No comments.

APCD – Recommends mitigation measures including dust control, burning permits, operational permits.

RWQCB – Supports project with enrollment of project in General Waste Discharge Requirements for Wineries.

LEGAL LOT STATUS:

The lot was legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Brian Pedrotti and reviewed by Kami Griffin.

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FINDINGS - EXHIBIT A

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on April 26, 2005 for this project. Mitigation measures are proposed to address aesthetics, air quality, geology and soils, noise, public services/utilities, and wastewater, and are included as conditions of approval.

Conditional Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the agricultural accessory building and constructed wetlands are conditionally approvable uses and as conditioned are consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the agricultural accessory building and constructed wetland do not generate activity that presents a potential threat to the surrounding property and buildings, as conditioned. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the agricultural accessory building and constructed wetland are similar to other accessory uses of winery facilities in the area, and will not conflict with, the surrounding lands and uses as conditioned. The agricultural accessory building will be screened with landscaping to reduce visual and lighting impacts. The constructed wetland will be located within 500 feet of the existing winery facility to promote consistency with the original Development Plan (D920262D).
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Orcutt Road, an arterial road constructed to a level able to handle any additional traffic associated with the project

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EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes the following:
 - a. A 3,000 square foot agricultural accessory building and relocation of a wastewater processing facility (constructed wetland). This CUP supplements the previously approved permit (D970262D) approved in 1999, which included construction of a winery building and associated uses. The project will result in the disturbance of approximately 4.5 acres of a 63-acre parcel.
 - b. No outdoor accessory storage, visible from off-site, is allowed.
 - c. maximum height is 35 from average natural grade.

Conditions required to be completed within 60 days from approval of Conditional Use Permit DRC2004-00090

Site Development

2. **Within 60 days from approval of Conditional Use Permit DRC2004-00090**, a revised site plan shall be submitted showing all development consistent with the approved site plan, floor plan, and architectural elevations, with the following revisions:
 - a. The constructed wetland shall be located on the west side of the existing winery facility, within 500 feet of the outer edge of the primary facility building.
3. **Within 60 days from final approval of Conditional Use Permit DRC2004-00090**, the applicant shall submit landscape, irrigation, and landscape maintenance plans and specifications to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The landscape plan shall be prepared as provided in Chapter 22.16 of the San Luis Obispo County Land Use Ordinance and shall provide vegetation that will screen to 80% the agricultural accessory building when viewed from adjacent properties within 5 years of planting. The landscape plan shall use only plant material consistent with Chapter 22.16 of the San Luis Obispo County Land use Ordinance. All landscaping plans shall contain a note, signed by a qualified individual (e.g., arborist, landscape architect/contractor, nurseryman), certifying that the plant materials specified in the plan are consistent with Chapter 22.16 of the San Luis Obispo County Land Use Ordinance.
4. **Within 60 days from approval of the landscape, irrigation, and landscape maintenance plan**, the applicant shall implement the proposed landscaping plan, as shown on the attached exhibit. In conjunction with the implementation of the landscaping plan, the applicant shall submit a letter, prepared by a qualified individual (e.g., arborist, landscape architect/contractor, nurseryman), to the Department of Planning and Building stating that the planting has been completed.

To guarantee the success of the landscaping, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/ contractor, nurseryman) to monitor the new vegetation until successfully established, on an annual basis, for no less than three years. The first report shall be submitted to the County Environmental Coordinator one year after the initial planting and thereafter on an annual basis until the monitor, in consultation with the County, has determined that the newly planted vegetation is successfully established. The applicant, and successors-in-interest, agrees to complete any necessary remedial measures identified in the report and approved by the Environmental Coordinator.

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5. **Within 60 days from final approval of Conditional Use Permit DRC2004-00090**, the applicant shall submit an exterior lighting plan. The plan shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent property. All lighting poles, fixtures, and hoods shall be dark colored. The approved plan shall be implemented prior to final inspection.
6. **Within 60 days from approval of Conditional Use Permit DRC2004-00090**, the applicant shall submit evidence that a septic system, adequate to serve the proposal, can be installed on the site.
7. **Within 60 days from approval of Conditional Use Permit DRC2004-00090**, the applicant shall pay all applicable school and public facilities fees.
8. **Within 60 days from final approval of Conditional Use Permit DRC2004-00090**, the applicant shall submit a drainage plan pursuant to Section 22.52 of the County Land Use Element. The plan shall include both temporary and permanent measures to retain soil onsite.

Conditions to be completed during construction

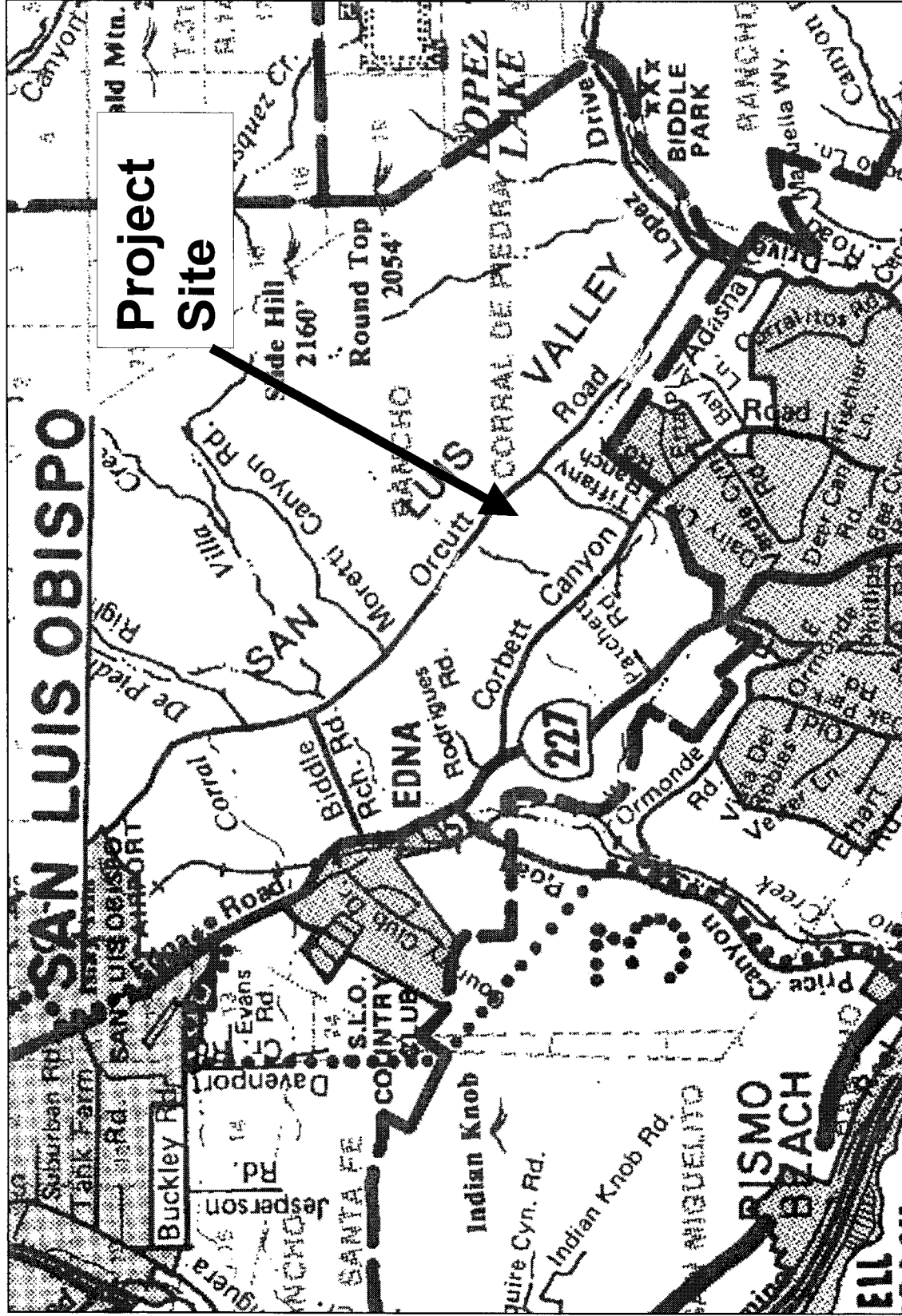
9. **During construction/ground disturbing activities**, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.
 - a. Reduce the amount of the disturbed area where possible;
 - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
 - c. All dirt stock-pile areas should be sprayed daily as needed;
 - d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;
 - e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established;
 - f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by APCD;
 - g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
 - h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
 - i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
 - j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
 - k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

10. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

On-going conditions of approval (valid for the life of the project)

11. The project shall be operated and maintained to be in compliance with these conditions of approval. There shall be no alterations in use or expansion of use areas without first securing the necessary permits from the County or other appropriate agencies. All future structures including agricultural accessory structures are prohibited without Development Plan approval. Notice of any future application to alter or expand the approved use shall be sent to every property owner of Tiffany Ranch Road, Edna Ranch, Corbett Highlands, Varian Ranch, and all adjacent properties.
12. The project shall comply with the noise limits in the County Noise Element. From 7 a.m. to 10 p.m. (daytime), noise levels at the project property line shall not exceed an hourly average of 50 dB, with a maximum level of 70 dB, and a maximum impulsive noise level of 65 dB. From 10 p.m. to 7 a.m. (nighttime), noise levels at the project property line shall not exceed an hourly average of 45 dB, with a maximum level of 65 dB, and a maximum impulsive noise level of 60 dB. To help achieve and ensure compliance with these standards, the project shall do the following:
- Roll-up doors shall be kept closed when noise-producing activities are being conducted inside the agricultural accessory building.
13. The project shall be operated in compliance with County Health Department approved programs for control of pomace/solid waste removal and for vector/pest control.
14. **During initial grading/scraping**, burning shall not be allowed, or if no alternative is available, the applicant shall obtain a burn permit from the APCD and County Fire/California Department of Forestry, and comply with all conditions required by these agencies.
15. Liquid waste generated by the winery operations must be discharged to a constructed wetland as shown on Exhibit designed by a civil engineer and approved by the Regional Water Quality Control Board. Such system shall not create offensive odors or materially impair the quality of groundwater for domestic or agricultural use.
16. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
17. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.



Project

Speizer CUP DRC2004-00090



Exhibit C

Vicinity Map



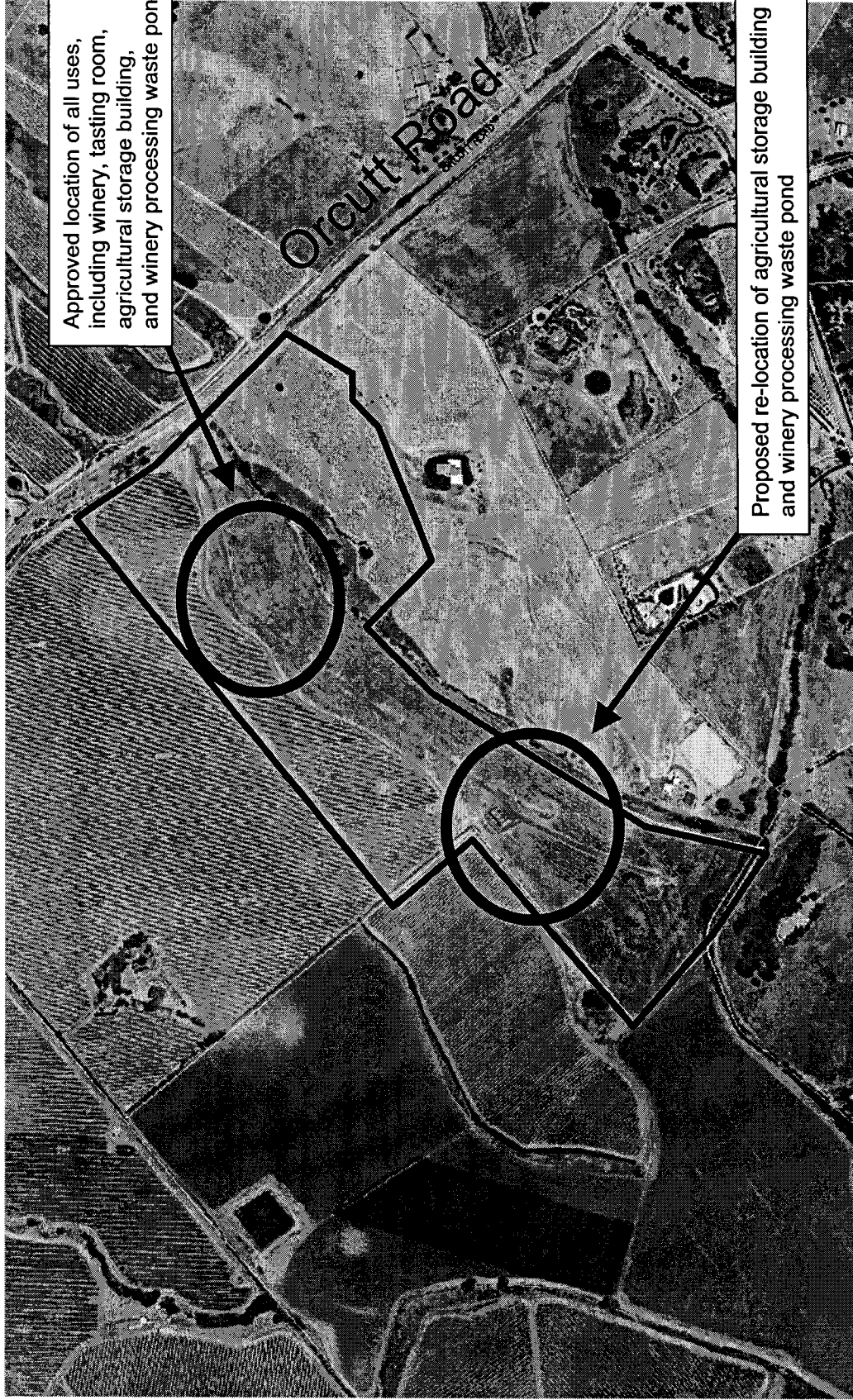
Project

Speizer CUP DRC2004-00090



Exhibit D

Land Use Map



Project

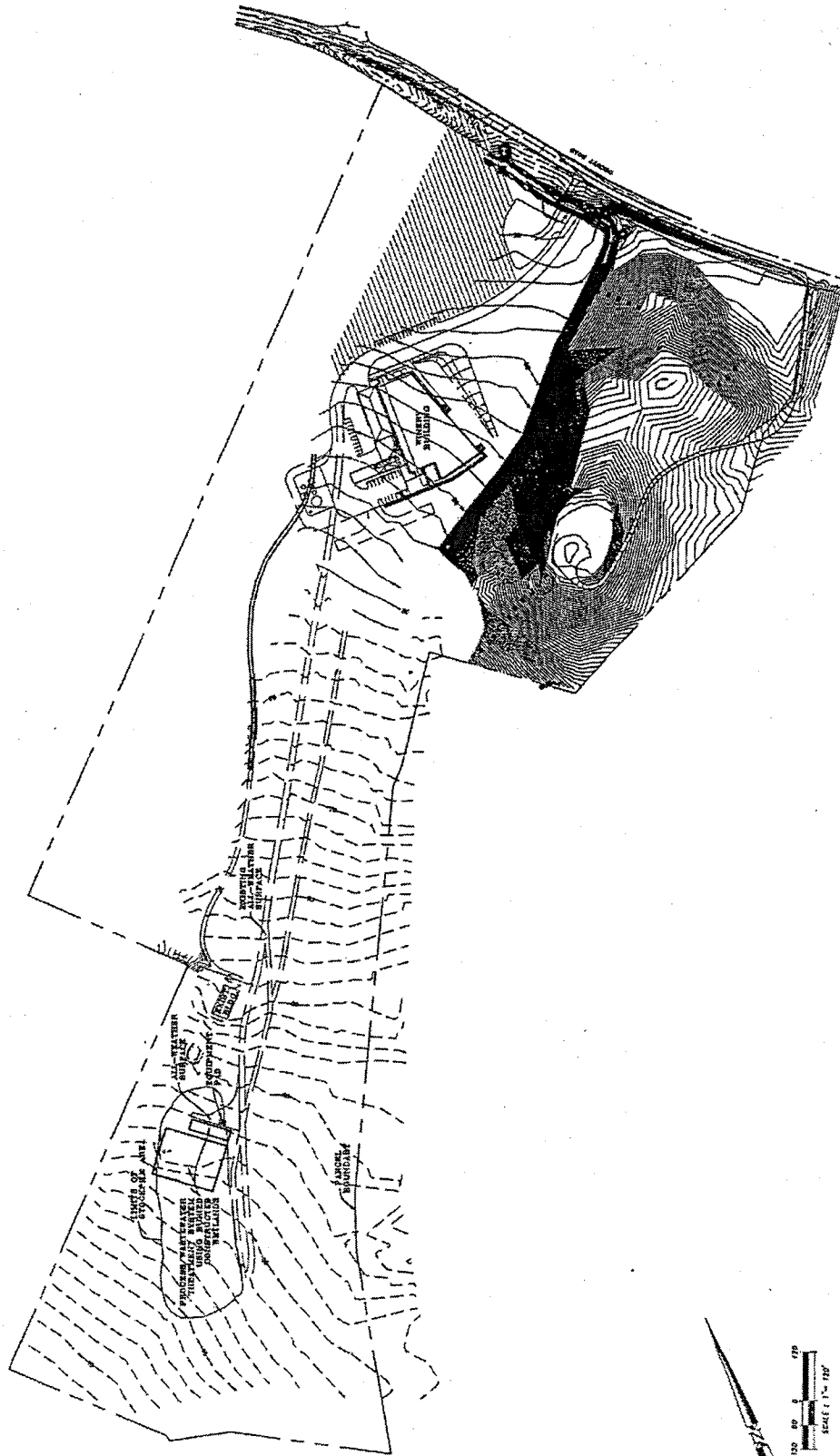
Speizer CUP DRC2004-00090



Exhibit E

Aerial Map

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Project

Speizer CUP DRC2004-00090



Exhibit F

Site Plan



Project
Speizer CUP DRC2004-00090

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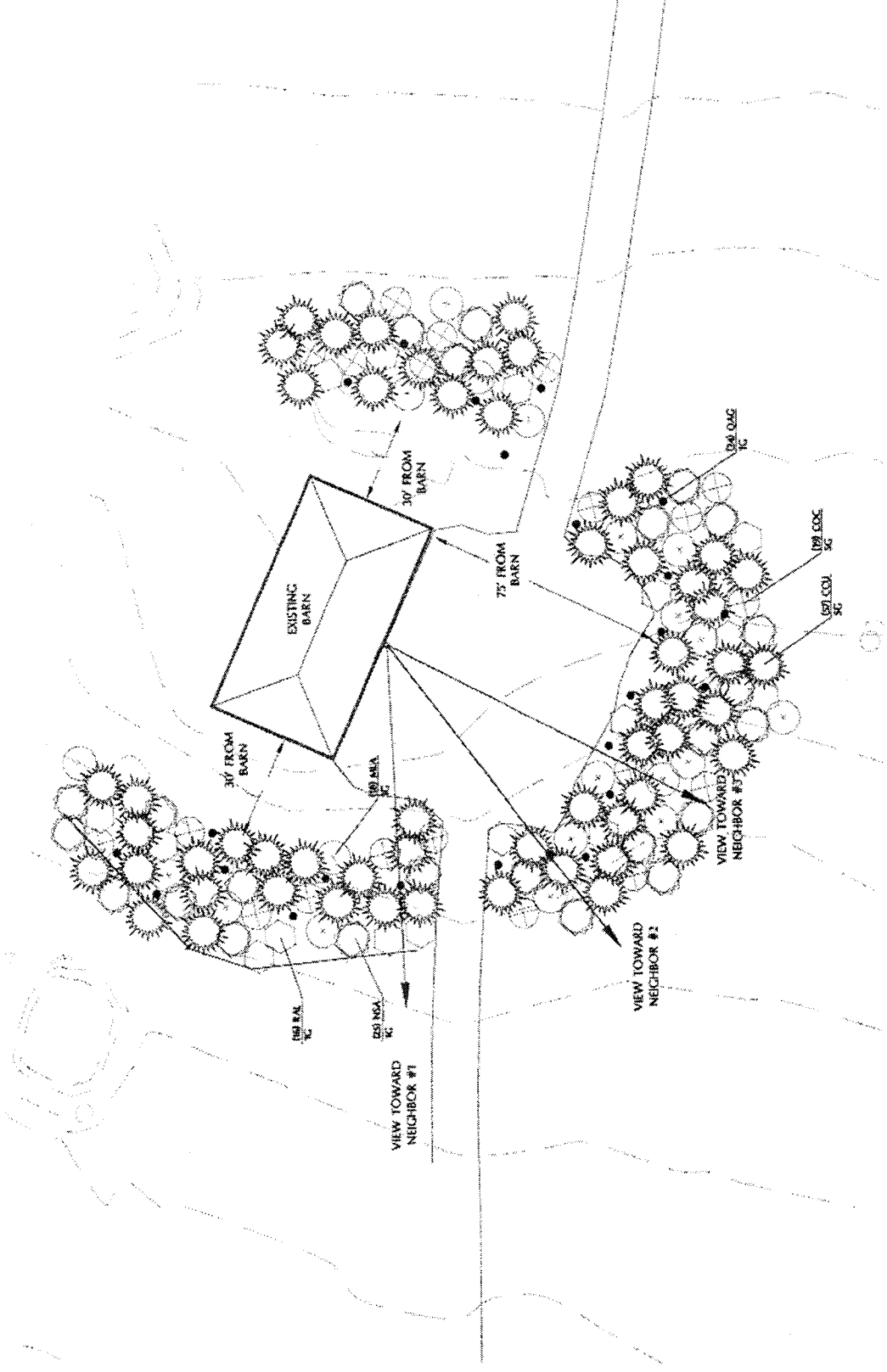


Exhibit H

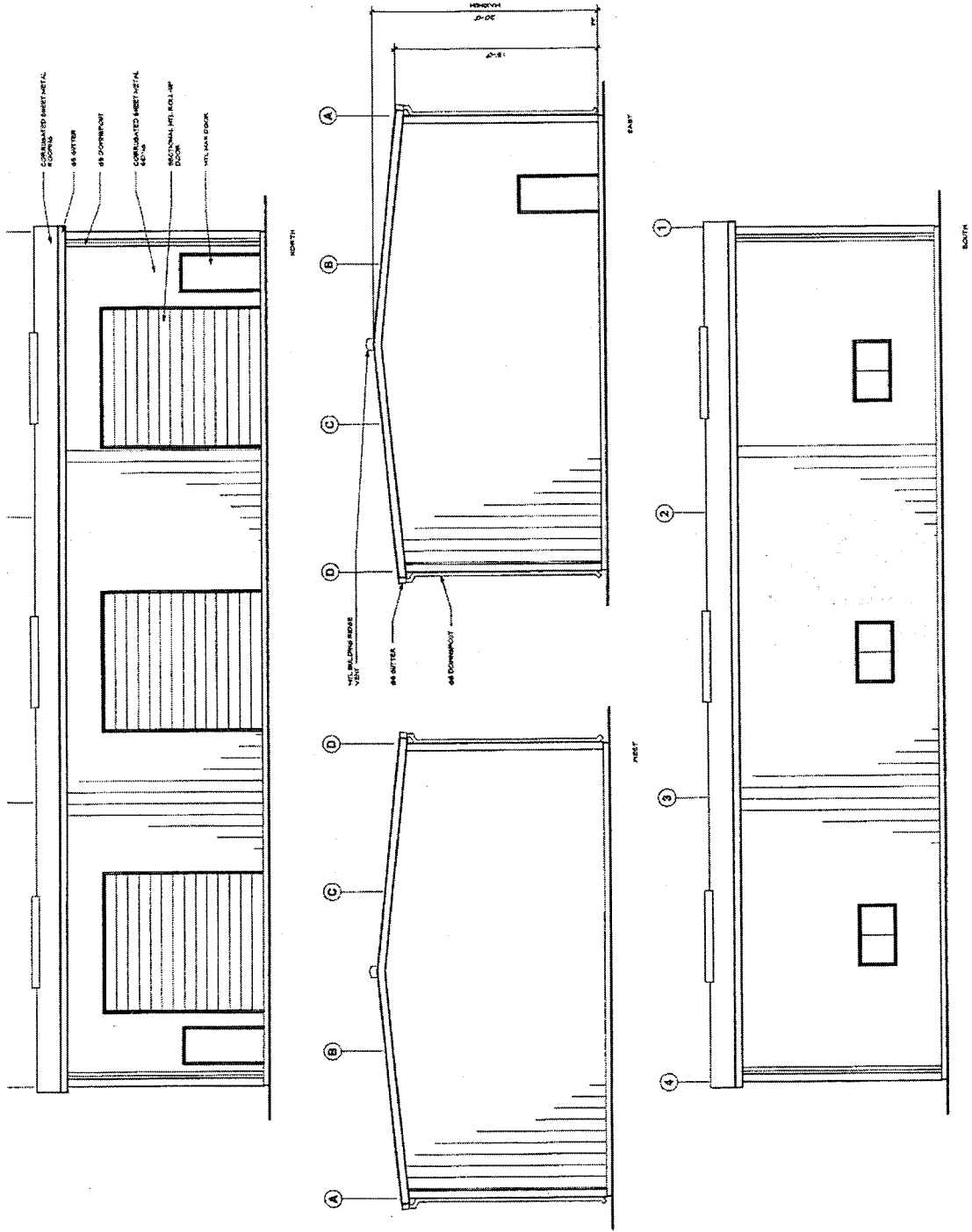
Existing Ag Building & Landscaping



Project

Speizer CUP DRC2004-00090

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COUNTY OF SAN LUIS OBISPO

FOR OFFICIAL USE ONLY (BP)

MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION

ENVIRONMENTAL DETERMINATION NO. ED04-415

DATE: April 28, 2005

PROJECT/ENTITLEMENT: Speizer Conditional Use Permit and Development Plan DRC2004-00090

APPLICANT NAME: Terry Speizer

ADDRESS: 7527 Orcutt Road, San Luis Obispo, CA, 93401

CONTACT PERSON: Pults & Associates (Tim Woodle)

Telephone: 541-5604

PROPOSED USES/INTENT: Request by Terry Speizer to allow for an agricultural accessory building and constructed wetlands (winery processing wastewater facility), which will result in the disturbance of approximately 4.5 acres of a 62.92 acre parcel. This request will amend a previously approved permit (D970262D), included construction of a winery building and associated uses. The project is within the Agriculture land use category.

LOCATION: The proposed project is located at 7527 Orcutt Road, approximately 1,300 feet north of Tiffany Ranch Road and approximately 3.5 miles north of the City of Arroyo Grande. The site is in the San Luis Bay (Inland) planning area.

LEAD AGENCY: County of San Luis Obispo Department of Planning & Building
County Government Center, Rm. 310
San Luis Obispo, CA 93408-2040

OTHER POTENTIAL PERMITTING AGENCIES: None

ADDITIONAL INFORMATION: Additional information pertaining to this environmental determination may be obtained by contacting the above Lead Agency address or (805) 781-5600.

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT5 p.m. on May 12, 2005

30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

Notice of Determination

State Clearinghouse No. _____

This is to advise that the San Luis Obispo County _____ as ☐ Lead Agency
☐ Responsible Agency approved/denied the above described project on _____, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at:

Department of Planning and Building, County of San Luis Obispo,
County Government Center, Room 310, San Luis Obispo, CA 93408-2040

Brian Pedrotti

County of San Luis Obispo

Signature

Project Manager Name

Date

Public Agency

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California Department of Fish and Game
CERTIFICATE OF FEE EXEMPTION
De Minimis Impact Finding

PROJECT TITLE & NUMBER: Speizer Conditional Use Permit ED04-415; DRC2004-00090

Project Applicant

Name: Terry Speizer
Address: 9000 Huasna Road
City, State, Zip Code: 7527 Orcutt Road, San Luis Obispo, CA, 93401
Telephone #: 805-541-5604

PROJECT DESCRIPTION/LOCATION: See attached Notice of Determination

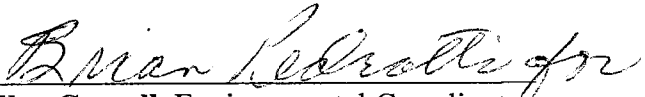
FINDINGS OF EXEMPTION:

There is no evidence before this agency that the proposed project has the potential for adverse effect on wildlife resources for one or more of the following reason(s):

- () The project is located in an urbanized area that does not contain substantial fish or wildlife resources or their habitat.
- () The project is located in a highly disturbed area that does not contain substantial fish or wildlife resources or their habitat.
- (X) The project is of a limited size and scope and is not located in close proximity to significant wildlife habitat.
- () The applicable filing fees have/will be collected at the time of issuance of other County approvals for this project. Reference Document Name and No. ____.
- () Other: ____

CERTIFICATION:

I hereby certify that the lead agency has made the above findings of fact and that, based upon the initial study and the hearing record, the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.


Ellen Carroll, Environmental Coordinator
County of San Luis Obispo

Date: 4-25-05

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**COUNTY OF SAN LUIS OBISPO
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST**

Project Title & No. Speizer Conditional Use Permit ED04- 415 (DRC2004-00090)

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

<input checked="" type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Geology and Soils	<input type="checkbox"/> Recreation
<input type="checkbox"/> Agricultural Resources	<input type="checkbox"/> Hazards/Hazardous Materials	<input type="checkbox"/> Transportation/Circulation
<input checked="" type="checkbox"/> Air Quality	<input checked="" type="checkbox"/> Noise	<input checked="" type="checkbox"/> Wastewater
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Population/Housing	<input type="checkbox"/> Water
<input type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Public Services/Utilities	<input type="checkbox"/> Land Use

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Brian Pedrotti
Prepared by (Print)

Brian Pedrotti
Signature

4/26/05
Date

Ellen Carroll
Reviewed by (Print)

Ellen Carroll
Signature

Ellen Carroll,
Environmental Coordinator
(for)

4.26.05
Date

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Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: Request by Terry Speizer for a Conditional Use Permit to allow an agricultural accessory building and constructed wetlands (winery processing wastewater facility). This CUP would amend the previously approved permit (D970262D) approved in 1999, which included construction of a winery building and associated uses. The project will result in the disturbance of approximately 4.5 acres of a 62.92-acre parcel. The proposed project is within the Agriculture land use category and is located at 7527 Orcutt Road, approximately 1,300 feet north of Tiffany Ranch Road and approximately 3.5 miles north of the City of Arroyo Grande. The site is in the San Luis Bay (Inland) planning area.

BACKGROUND: A development plan (D970262D) for the winery facility was approved by the Board of Supervisors on appeal from the Planning Commission in 1999. Following lengthy discussions from concerned property owners in the vicinity, the original development plan was approved with conditions that restricted the location of the winery facility, wastewater ponds, and accessory buildings to the northeast portion of the site such that visual impacts would be buffered by the site's topography. The conditions also included a prohibition on all structures, including agricultural accessory structures, without Development Plan approval. A permit was erroneously issued for the agricultural barn in the southwest/central portion of the site outside of the original approval location. The County was made aware of the situation, and notified the applicant that the illegal agricultural accessory building would require approval of a Conditional Use Permit.

ASSESSOR PARCEL NUMBER(S): 044-231-045

SUPERVISORIAL DISTRICT # 4

B. EXISTING SETTING

PLANNING AREA: San Luis Obispo, Rural

LAND USE CATEGORY: Agriculture

COMBINING DESIGNATION(S): Flood Hazard

EXISTING USES: Agricultural uses, winery under construction

TOPOGRAPHY: Nearly level

4.20

VEGETATION: Grasses, vineyards, rowcrops

PARCEL SIZE: 62.92 acres

SURROUNDING LAND USE CATEGORIES AND USES:

North: Agriculture; agricultural uses	East: Agriculture; agricultural uses
South: Residential Rural; residential, agricultural uses	West: Agriculture; agricultural uses

C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

**COUNTY OF SAN LUIS OBISPO
INITIAL STUDY CHECKLIST**

1. AESTHETICS - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Create an aesthetically incompatible site open to public view?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Introduce a use within a scenic view open to public view?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Change the visual character of an area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create glare or night lighting, which may affect surrounding areas?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Impact unique geological or physical features?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The proposed project site is located on the western side of Orcutt Road. The project site consists of rolling hills with vineyards, row crops, and grasses, as well as a winery building under construction closer to Orcutt Road. The agricultural accessory building erroneously received a construction permit from the County, and is part of the CUP request. The surrounding area is characterized by agricultural uses and scattered rural residences, as well as larger cluster residential subdivisions along Orcutt Road such as Edna Ranch to the south and Varian Ranch across Orcutt Road.

Impact. The original development plan approval (D970262D) included conditions that restricted the location of the winery facility, wastewater ponds, and accessory buildings to the northeast portion of the site such that visual impacts would be buffered by the site's topography. The conditions also included a prohibition on all structures, including agricultural accessory structures, without Development Plan approval. A permit was erroneously issued for the agricultural barn in the southwest/central portion of the site outside of the original approval location.

4.21

The existing site of the agricultural accessory building will have minimal impacts to views from Orcutt Road. However, this facility will be visible from adjacent properties to the north, south and west. The height of the building is approximately 20 feet and has an area of 3,000 square feet (75' x 40').

Mitigation/Conclusion. To minimize visual impacts of the agricultural accessory structure on adjacent properties, mitigation measures have been incorporated to enhance its compatibility with the surrounding environment. The applicant has included a screening/planting plan for the agricultural accessory structure that provides fast-growing trees and shrubs as a visual barrier from adjacent properties. A lighting plan will be required to ensure that lighting and glare impacts are minimized through the use of shields. Implementation of these measures would mitigate potential visual impacts to less than significant.

2. AGRICULTURAL RESOURCES

- Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Convert prime agricultural land to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Impair agricultural use of other property or result in conversion to other uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with existing zoning or Williamson Act program?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The soil types include: (inland) (% slope) (% slope) (% slope) (coastal)
 (% slope) Tierra loam (9-15%) Salinas silty clay loam (0-2%) Chamise shaly loam ((15-30%) Marimel sandy clay loam (n/a)

As described in the NRCS Soil Survey, the "non-irrigated" soil class is "III" to "VI", and the "irrigated soil class is "not applicable" to "IV"

The project site supports approximately 23 acres of vineyards. A winery is under construction within a designated building envelope located on prime soils. The agricultural accessory structure is also located on soils classified as prime soils; however, crop production in the area of the accessory structure may be compromised due to drainage issues.

Impact. The proposed project was referred to the County Department of Agriculture for review. In response, the Department determined the proposed project would not result in a significant impact to agricultural resources because relocation of the agriculture accessory building and proposed relocation of the constructed wetland would result in similar impacts to agricultural resources as the original proposal. The Department also determined that the accessory structure and constructed wetlands would not have a land use impact on adjacent agricultural lands.

Mitigation/Conclusion. No mitigation measures are necessary.

3. AIR QUALITY - Will the project:

Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
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4.22

3. AIR QUALITY - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Expose any sensitive receptor to substantial air pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Create or subject individuals to objectionable odors?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be inconsistent with the District's Clean Air Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other: <u>Fugitive Dust</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. In the past, the State Air Resources Board (ARB) designated San Luis Obispo County a non-attainment area for exceeding the State's air quality standards set for ozone and dust (small particulate matter or PM10). Recently, the State ARB determined that the county was in attainment for ozone, however, the County remains in non-attainment for PM10 levels. Based on the latest air monitoring station information (per the County's RMS annual report, 2003), the trend in air quality in the general area is improving. The Air Pollution Control District (APCD) estimates that automobiles currently generate about 40% of the pollutants responsible for ozone formation. Nitrous oxides (NOx) and reactive organic gasses (ROG) pollutants (vehicle emission components) are common contributors towards this chemical transformation into ozone. Dust, or particulate matter less than ten microns (PM10) that become airborne and which find their way into the lower atmosphere, can act as the catalyst in this chemical transformation to harmful ozone. In part, the land use controls currently in place for new development relating to ROG and NOx (i.e., application of the CEQA Air Quality Handbook) have helped reduce the formation of ozone.

Impact. Approximately 4.5 acres of site disturbance would occur during grading activities for the construction of the project, access roads, drainage improvements, and utility installation. These activities would result in both short-term vehicle emissions and the creation of dust during construction.

Fugitive Dust (PM10). Implementation of the proposed project would result in the generation of dust, potentially affecting adjacent residences, resulting in a nuisance.

Asbestos. Asbestos is considered a toxic air contaminant by the State Air Resources Board. If naturally occurring asbestos is present within the soil underlying the project site, future grading and site disturbance activities would release the asbestos into the air, resulting in a potentially significant air quality impact. If asbestos is present in existing buildings proposed for demolition or utility pipelines proposed to be removed or relocated, a potentially significant air quality impact could occur in the event asbestos containing material is not properly handled and disposed of. No structures are present on the project site and no underground pipes are proposed to be moved. No impacts as a result of asbestos emissions are anticipated.

4.23

Mitigation/Conclusion.

Fugitive Dust (PM10). To minimize nuisance dust impacts, the applicant is required to implement APCD fugitive dust mitigation measures including the use of water trucks or sprinkler systems to water down airborne dust, limited vehicle speeds (15 miles/hour), and completion of paving and building pads as soon as possible after grading (refer to Exhibit B for a full list of mitigation measures).

Implementation of the mitigation measures described above and listed in Exhibit B would mitigate all identified air quality impacts to levels of insignificance.

4. BIOLOGICAL RESOURCES - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in a loss of unique or special status species or their habitats?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Reduce the extent, diversity or quality of native or other important vegetation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Impact wetland or riparian habitat?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Introduce barriers to movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The following habitats were observed on the proposed project: Grasses Based on the latest California Diversity database and other biological references, the following species or sensitive habitats were identified:

Plants: None

Wildlife: Located about 1.25 miles west are Southwestern Pond Turtle (*Clemmys marmorata pallida*).

Habitats: Located with .10 miles of parcel are potential *Clarkia* habitats.

Impact. The project is located in an area that has been cultivated for a number of years. The addition of an accessory structure and constructed wetlands should not result in direct substantial impacts to biological resources. The California Diversity database indicates occurrences of several rare plants and animals within the region, however, no known occurrences are shown on the site or on immediately adjacent sites. Based on the highly disturbed condition of the project site, it is unlikely that any of these plants would be impacted by the project.

Mitigation/Conclusion. No significant biological impacts are expected to occur, and no mitigation measures are necessary.

4.24

5. CULTURAL RESOURCES - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Disturb pre-historic resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Disturb historic resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Disturb paleontological resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is located in an area historically occupied by the Obispeno Chumash. . No historic structures are present and no paleontological resources are known to exist in the area.

Impact. The project is not located in an area that would be considered culturally sensitive due to lack of physical features typically associated with prehistoric occupation. No evidence of cultural materials was noted on the property. Impacts to historical or paleontological resources are not expected.

Mitigation/Conclusion. No significant cultural resource impacts are expected to occur and no mitigation measures are necessary.

6. GEOLOGY AND SOILS - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Be within a CA Dept. of Mines & Geology Earthquake Fault Zone (formerly Alquist-Priolo)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Change rates of soil absorption, or amount or direction of surface runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Include structures located on expansive soils?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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6. GEOLOGY AND SOILS -
Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. GEOLOGY - The topography of the project is nearly level. The area proposed for development is outside of the Geologic Study Area designation. The landslide risk potential is considered low to moderate. The liquefaction potential during a ground-shaking event is considered moderate to high. Active faulting is known to exist on or near the subject property (within 1 mile both north and south of property). The project is not within a known area containing serpentine or ultramafic rock or soils.

DRAINAGE - The area proposed for development is within the 100-year Flood Hazard designation. The closest creek (un-named tributary) runs through the property. As described in the NRCS Soil Survey, the soil is considered well drained to poorly drained. For areas where drainage is identified as a potential issue, the LUO (Sec. 22.52.080) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

SEDIMENTATION AND EROSION - The soil types include: (coastal)
Tierra loam (9-15%) Salinas silty clay loam (0-2%) Chamise shaly loam (15-30%) Marimel sandy loam (n/a)

As described in the NRCS Soil Survey, the soil surface is considered to have moderate to high erodibility, and low to high shrink-swell characteristics.

Impact. As proposed, the project will result in the disturbance of approximately 4.5 acres.

Mitigation/Conclusion. To mitigate for potential drainage impacts, the applicant has agreed to submit and implement a drainage plan pursuant to Section 22.52 of the County Land Use Ordinance. Implementation of this plan would reduce potential impacts to less than significant.

7. HAZARDS & HAZARDOUS MATERIALS - Will the project:

Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
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4.26

7. HAZARDS & HAZARDOUS MATERIALS - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Interfere with an emergency response or evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose people to safety risk associated with airport flight pattern?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Increase fire hazard risk or expose people or structures to high fire hazard conditions?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create any other health hazard or potential hazard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is not located in an area of known hazardous material contamination. The project is not within a high severity risk area for fire. The project is not within the Airport Review area.

Impact. The project does not propose the use of hazardous materials. The project does not present a significant fire safety risk. The project is not expected to conflict with any regional evacuation plan.

Mitigation/Conclusion. No significant impacts as a result of hazards or hazardous materials are anticipated, and no mitigation measures are necessary.

8. NOISE - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Expose people to noise levels that exceed the County Noise Element thresholds?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generate increases in the ambient noise levels for adjoining areas?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Expose people to severe noise or vibration?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The proposed project site is located within the vicinity of numerous rural residences. The

4-27

topography between the structure and these lots is gently sloping.

Impact/Mitigation. In order to evaluate potential noise impacts from the operation of the winery facility currently under construction, a noise study was conducted for the original project. The original approval included noise reduction mitigation measures, including placement of compressors on the west side of the building away from the residences, and limiting the operation of all outside activities at the winery to between the hours of 7 a.m. to 10 p.m. which are defined by the County Noise Element as the daytime hours. Additional mitigation has been identified for the agricultural accessory structure and constructed wetlands, including closing of roll-up doors and limiting the noise levels at the property line.

9. POPULATION/HOUSING - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create the need for substantial new housing in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Use substantial amount of fuel or energy?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The County has recently adopted a revised Housing Element. One of the new Housing Element Programs (Program HE 1.9) indicates that the County will prepare an Inclusionary Housing Ordinance during 2005. Upon adoption of the ordinance, future commercial development may be required to pay a fee to support development of new affordable housing.

Impact. The project will not result in a need for a significant amount of new housing, and will not displace existing housing.

Mitigation/Conclusion. No significant population and housing impacts are anticipated, and no mitigation measures are necessary.

10. PUBLIC SERVICES/UTILITIES - <i>Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
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4-28

10. PUBLIC SERVICES/UTILITIES -
Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Fire protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Police protection (e.g., Sheriff, CHP)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Roads?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Solid Wastes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project area is served by the County Sheriff's Department and CDF/County Fire as the primary emergency responders. The closest CDF fire station (SLO Airport) is approximately 5 miles to the north. The closest Sheriff substation is in Oceano, which is approximately 10 miles from the proposed project. The project is located in the Lucia Mar Unified School District.

Impact. The project direct and cumulative impacts are within the general assumptions of allowed use for the subject property that was used to estimate the fees in place.

Mitigation/Conclusion. Public facility (county) and school (State Government Code 65995 et seq) fee programs have been adopted to address the project's direct and cumulative impacts, and will reduce the impacts to less than significant levels.

11. RECREATION - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase the use or demand for parks or other recreation opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Affect the access to trails, parks or other recreation opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The County Trails Plan shows that a potential trail does not go through the proposed project. The project is not proposed in a location that will affect any trail, park or other recreational resource.

Impact. The proposed project will not create a significant need for additional park or recreational resources.

Mitigation/Conclusion. No significant recreation impacts are anticipated, and no mitigation measures are necessary.

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**12. TRANSPORTATION/
CIRCULATION - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase vehicle trips to local or areawide circulation system?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Reduce existing "Levels of Service" on public roadway(s)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Provide for adequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Result in inadequate internal traffic circulation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Result in a change in air traffic patterns that may result in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. Future development will access onto the following public road(s): Orcutt Road. The identified roadway is operating at acceptable levels. Referrals were sent to Public Works/Caltrans. No significant traffic-related concerns were identified.

Impact. The proposed agricultural accessory building and constructed wetlands are not estimated to generate additional trips per day above and beyond the anticipated traffic levels evaluated with the overall winery facility. The constructed wetlands represent a different method of processing wastewater than the wastewater pond proposed with the original project, and the agricultural accessory building will support the existing agricultural operations.

Mitigation/Conclusion. No significant traffic impacts were identified, and no mitigation measures are necessary.

**13. WASTEWATER - Will the
project:**

Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
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4.30

13. WASTEWATER - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Adversely affect community wastewater service provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. As described in the NRCS Soil Survey (see Geology section for soil types), the main limitations for on-site wastewater systems relates to: flooding. These limitations are summarized as follows:

Flooding – this characteristic is applied when there is a temporary inundation in an area that is subject to overflowing streams, caused by surface runoff from adjacent slopes or by tides. “Occasional” flooding refers to the area being flooded on the average once or less every two years. “Frequent” flooding refers to the area being flooded on the average once or more every two years.

Impact. The original approved project was evaluated with an on-site system as its means to dispose wastewater. Based on the proposed plans, adequate area appears available for an on-site system. The original approved project also included wastewater ponds for winery processing water. The applicant has proposed an alternate processing facility (constructed wetland) that will include surface and subsurface treatment of process wastewater.

Mitigation/Conclusion. The applicant will be subject to a Notice of Intent to Comply and monitoring of the constructed wetland facility by the California Regional Water Quality Control Board. No additional mitigation measures are necessary.

14. WATER - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate any water quality standards?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Change the quantity or movement of available surface or ground water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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14. WATER - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
e) <i>Adversely affect community water service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project proposes to use an existing on-site well as its water source. Based on available information, the proposed water source is not known to have any significant availability or quality problems.

The topography of the project is nearly level. The closest creek from the proposed development is approximately 100 feet away. As described in the NRCS Soil Survey, the soil surface is considered to have moderate to high erodibility.

Impact. As proposed, the project will result in the disturbance of approximately 4.5 acres. The proposed project will not result in additional water usage above and beyond the original approval.

Mitigation/Conclusion. Since no potentially significant water quantity or quality impacts were identified, no specific measures above standard requirements have been determined necessary. Standard drainage and erosion control measures will be required for the proposed project and will provide sufficient measures to adequately protect surface water quality.

15. LAND USE - Will the project:

	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) <i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. Surrounding uses are identified on Page 2 of the Initial Study. The proposed project

4.32

was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, Local Coastal Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CDF for Fire Code, APCD for Clean Air Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

The project is not within or adjacent to a Habitat Conservation Plan area. The project is consistent or compatible with the surrounding uses as summarized on page 2 of this Initial Study.

Mitigation/Conclusion. No inconsistencies were identified and therefore no additional measures above what will already be required was determined necessary.

16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:

Potentially Significant Impact can & will be mitigated Insignificant Impact Not Applicable

- a) *Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?* ☐ ☐ ☒ ☐
- b) *Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)* ☐ ☐ ☒ ☐
- c) *Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?* ☐ ☐ ☒ ☐

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Review", or the California Environmental Resources Evaluation System at "http://ceres.ca.gov/topic/env_law/ ceqa/ guidelines/" for information about the California Environmental Quality Act.

4.33

Exhibit A - Initial Study References and Agency Contacts

The County Planning or Environmental Division have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<input checked="" type="checkbox"/>	County Public Works Department	Attached
<input checked="" type="checkbox"/>	County Environmental Health Division	Attached
<input checked="" type="checkbox"/>	County Agricultural Commissioner's Office	Attached
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input checked="" type="checkbox"/>	Air Pollution Control District	Attached
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input checked="" type="checkbox"/>	Regional Water Quality Control Board	Attached
<input type="checkbox"/>	CA Coastal Commission	Not Applicable
<input type="checkbox"/>	CA Department of Fish and Game	Not Applicable
<input checked="" type="checkbox"/>	CA Department of Forestry	In File**
<input type="checkbox"/>	CA Department of Transportation	Not Applicable
<input type="checkbox"/>	Community Service District	Not Applicable
<input checked="" type="checkbox"/>	Other <u>City of San Luis Obispo</u>	In File**
<input checked="" type="checkbox"/>	Other <u>County Parks & Recreation</u>	In File**

** "No comment" or "No concerns"-type responses are usually not attached

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

- | | |
|---|---|
| <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Project File for the Subject Application <u>County documents</u> <input type="checkbox"/> Airport Land Use Plans <input checked="" type="checkbox"/> Annual Resource Summary Report <input type="checkbox"/> Building and Construction Ordinance <input type="checkbox"/> Coastal Policies <input checked="" type="checkbox"/> Framework for Planning (Coastal & Inland) <input checked="" type="checkbox"/> General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Agriculture & Open Space Element <input checked="" type="checkbox"/> Energy Element <input checked="" type="checkbox"/> Environment Plan (Conservation, Historic and Esthetic Elements) <input checked="" type="checkbox"/> Housing Element <input checked="" type="checkbox"/> Noise Element <input checked="" type="checkbox"/> Parks & Recreation Element <input checked="" type="checkbox"/> Safety Element <input checked="" type="checkbox"/> Land Use Ordinance <input type="checkbox"/> Real Property Division Ordinance <input type="checkbox"/> Trails Plan <input type="checkbox"/> Solid Waste Management Plan | <ul style="list-style-type: none"> <input checked="" type="checkbox"/> San Luis Bay (Inland) Area Plan and Update EIR <input type="checkbox"/> Circulation Study <u>Other documents</u> <input checked="" type="checkbox"/> Archaeological Resources Map <input checked="" type="checkbox"/> Area of Critical Concerns Map <input checked="" type="checkbox"/> Areas of Special Biological Importance Map <input checked="" type="checkbox"/> California Natural Species Diversity Database <input checked="" type="checkbox"/> Clean Air Plan <input checked="" type="checkbox"/> Fire Hazard Severity Map <input checked="" type="checkbox"/> Flood Hazard Maps <input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County <input checked="" type="checkbox"/> Regional Transportation Plan <input checked="" type="checkbox"/> Uniform Fire Code <input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin - Region 3) <input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.) <input type="checkbox"/> Other _____ |
|---|---|

4.34

In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

4.35

Exhibit B - Mitigation Summary Table

Aesthetics

- VR-1 **Within 60 days from final approval of Conditional Use Permit DRC2004-00090**, the applicant shall submit landscape, irrigation, landscape maintenance plans and specifications to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The landscape plan shall be prepared as provided in Section 22.04.186 of the San Luis Obispo County Land Use Ordinance and shall provide vegetation that will adequately screen the agricultural accessory building when viewed from adjacent properties. The landscape plan shall utilize only plant material consistent with Section 22.04.184 of the San Luis Obispo County Land use Ordinance. All landscaping plans shall contain a note, signed by a qualified individual (e.g., arborist, landscape architect/contractor, nurseryman), certifying that the plant materials specified in the plan are consistent with Section 22.04.184 of the San Luis Obispo County Land use Ordinance.
- VR-2 **Within 60 days from approval of the submitted landscape, irrigation, and landscape maintenance plan**, the applicant shall implement the proposed landscaping plan, as shown on the attached exhibit. In conjunction with the implementation of the landscaping plan, the applicant shall submit a letter, prepared by a qualified individual (e.g., arborist, landscape architect/contractor, nurseryman), to the Department of Planning and Building stating that the planting has been completed.
- VR-3 To guarantee the success of the landscaping, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/ contractor, nurseryman) to monitor the new vegetation until successfully established, on an annual basis, for no less than three years. The first report shall be submitted to the County Environmental Coordinator one year after the initial planting and thereafter on an annual basis until the monitor, in consultation with the County, has determined that the newly planted vegetation is successfully established. The applicant, and successors-in-interest, agrees to complete any necessary remedial measures identified in the report and approved by the Environmental Coordinator.
- VR-4 **Within 60 days from final approval of Conditional Use Permit DRC2004-00090**, a cost estimate for a planting plan, installation of landscaping, and maintenance of new landscaping for a period of three years shall be prepared by a qualified individual (e.g., landscape contractor), and shall be reviewed and approved by the County Department of Planning and Building. **Within 60 days from final approval of Conditional Use Permit DRC2004-00090**, a performance bond, equal to the cost estimate, shall be posted by the applicant for a period of three years. Installation of the landscaping, as approved, shall be completed **within 120 days of final approval of Conditional Use Permit DRC2004-00090**.
- VR-6 If after five years from initial planting, the landscape screening does not provide the amount of specified screening of the agricultural accessory building, exterior colors shall be changed so no colors seen from adjacent properties will have a color with a value or intensity greater than "6" as provided in the Munsell Book of Color. These colors shall blend with the surrounding natural environment.
- VR-7 **Within 60 days from final approval of Conditional Use Permit DRC2004-00090**, the applicant shall submit an exterior lighting plan. The plan shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent property. All lighting poles, fixtures, and hoods shall be dark colored. The approved plan shall be implemented prior to final inspection.

4.36

- VR-8 All future structures including agricultural accessory structures are prohibited without Conditional Use Permit approval. Notice of any future application to alter or expand the approved use shall be sent to every property owner of Tiffany Ranch Road, Edna Ranch, Corbett Highlands, Varian Ranch, and all adjacent property owners.

Air Quality

- AQ-1 **During construction/ground disturbing activities**, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.
- a. Reduce the amount of the disturbed area where possible;
 - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
 - c. All dirt stock-pile areas should be sprayed daily as needed;
 - d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;
 - e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established;
 - f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by APCD;
 - g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
 - h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
 - i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
 - j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
 - k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.

- AQ-2 **During initial grading/scraping**, burning shall not be allowed, or if no alternative is available, the applicant shall obtain a burn permit from the APCD and County Fire/California Department of Forestry, and comply with all conditions required by these agencies.

Geology and Soils

- GS-1 **Within 60 days from final approval of Conditional Use Permit DRC2004-00090**, the applicant shall submit a drainage plan pursuant to Section 22.52 of the County Land Use Element. The plan shall include both temporary and permanent measures to retain soil onsite.

4-37

Noise

- N-1 The project shall comply with the noise limits in the County Noise Element. From 7 a.m. to 10 p.m. (daytime), noise levels at the project property line shall not exceed an hourly average of 50 dB, with a maximum level of 70 dB, and a maximum impulsive noise level of 65 dB. From 10 p.m. to 7 a.m. (nighttime), noise levels at the project property line shall not exceed an hourly average of 45 dB, with a maximum level of 65 dB, and a maximum impulsive noise level of 60 dB. To help achieve and ensure compliance with these standards, the project shall do the following:
Roll-up doors shall be kept closed when noise-producing activities are being conducted inside the agricultural accessory building.

Wastewater

- WW-1 Liquid waste generated by the winery operations must be discharged to a constructed wetland as shown on Exhibit 1 designed by a civil engineer and approved by the Regional Water Quality Control Board. Such system shall not create offensive odors or materially impair the quality of groundwater for domestic or agricultural use.

4-38

DATE: April 24, 2005

**DEVELOPER'S STATEMENT FOR
SPEIZER CUP DRC2004-00090
ED 04-415**

The applicant agrees to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

Note: The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

Aesthetics

1. **Within 60 days from final approval of Conditional Use Permit DRC2004-00090**, the applicant shall submit landscape, irrigation, and landscape maintenance plans and specifications to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The landscape plan shall be prepared as provided in Section 22.04.186 of the San Luis Obispo County Land Use Ordinance and shall provide vegetation that will adequately screen the agricultural accessory building when viewed from adjacent properties. The landscape plan shall utilize only plant material consistent with Section 22.04.184 of the San Luis Obispo County Land use Ordinance. All landscaping plans shall contain a note, signed by a qualified individual (e.g., arborist, landscape architect/contractor, nurseryman), certifying that the plant materials specified in the plan are consistent with Section 22.04.184 of the San Luis Obispo County Land use Ordinance.

Monitoring: Compliance will be verified by the Department of Planning and Building, in consultation with the Environmental Coordinator.

2. **Within 60 days from approval of the landscape, irrigation, and landscape maintenance plan**, the applicant shall implement the proposed landscaping plan, as shown on the attached exhibit. In conjunction with the implementation of the landscaping plan, the applicant shall submit a letter, prepared by a qualified individual (e.g., arborist, landscape architect/contractor, nurseryman), to the Department of Planning and Building stating that the planting has been completed.

Monitoring: Building inspector will verify installation of landscaping in consultation with the Department of Planning and Building and the Environmental Coordinator.

3. To guarantee the success of the landscaping, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/contractor, nurseryman) to monitor the new vegetation until successfully established, on an annual basis, for no less than three years. The first report shall be submitted to the County Environmental Coordinator one year after the initial planting and thereafter on an annual basis until the monitor, in consultation with the County, has determined that the newly planted vegetation is successfully established. The applicant, and successors-in-interest, agrees to complete any necessary remedial measures identified in the report and approved by the Environmental Coordinator.

Monitoring: Compliance will be verified by the Environmental Coordinator.

4. **Within 60 days from final approval of Conditional Use Permit DRC2004-00090**, a cost estimate for a planting plan, installation of landscaping, and maintenance of new landscaping for a period of three years shall be prepared by a qualified individual (e.g., landscape contractor), and shall be reviewed and approved by the County Department of Planning and Building. **Within 60 days from final approval of Conditional Use Permit DRC2004-00090**, a performance bond, equal to the cost estimate, shall be posted by the applicant for a period of three years. Installation of the landscaping, as approved, shall be completed **within 120 days of final approval of Conditional Use Permit DRC2004-00090**.

Monitoring: County will hold the bond.

5. If after five years from initial planting, the landscape screening does not provide the amount of specified screening of the agricultural accessory building, exterior colors shall be changed so no colors seen from adjacent properties will have a color with a value or intensity greater than "6" as provided in the Munsell Book of Color. These colors shall blend with the surrounding natural environment.

Monitoring: Department of Planning and Building shall verify performance of required landscaping elements, in consultation with the Environmental Coordinator.

6. **Within 60 days from final approval of Conditional Use Permit DRC2004-00090**, the applicant shall submit an exterior lighting plan. The plan shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent property. All lighting poles, fixtures, and hoods shall be dark colored. The approved plan shall be implemented prior to final inspection.

Monitoring: Department of Planning and Building shall verify inclusion of required elements on plans in consultation with the Environmental Coordinator. Building inspector will verify compliance with approved plans.

7. All future structures including agricultural accessory structures are prohibited without Conditional Use Permit approval. Notice of any future application to alter or expand the approved use shall be sent to every property owner of Tiffany Ranch Road, Edna Ranch, Corbett Highlands, Varian Ranch, and all adjacent property owners.

Monitoring: Will be shown on an additional map sheet. Compliance will be verified by the Department of Planning and Building, in consultation with the Environmental Coordinator.

Air Quality

8. **During construction/ground disturbing activities**, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program

4-40

and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.

- a. Reduce the amount of the disturbed area where possible;
 - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
 - c. All dirt stock-pile areas should be sprayed daily as needed;
 - d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;
 - e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established;
 - f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by APCD;
 - g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
 - h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
 - i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
 - j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
 - k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
9. **During initial grading/scraping**, burning shall not be allowed, or if no alternative is available, the applicant shall obtain a burn permit from the APCD and County Fire/California Department of Forestry, and comply with all conditions required by these agencies.

Monitoring: Items 8-9: All applicable mitigation measures will be shown on the grading and building plans. Compliance will be verified by APCD, and as needed, in consultation with the Department of Planning and Building.

Geology and Soils

10. **Within 60 days from final approval of Conditional Use Permit DRC2004-00090**, the applicant shall submit a drainage plan pursuant to Section 22.52 of the County Land Use Element. The plan shall include both temporary and permanent measures to retain soil onsite.

Monitoring: Compliance will be verified by the Department of Planning and Building and the Department of Public Works.

Noise

4-41

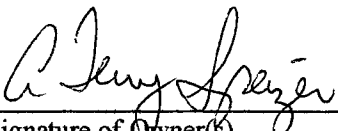
11. The project shall comply with the noise limits in the County Noise Element. From 7 a.m. to 10 p.m. (daytime), noise levels at the project property line shall not exceed an hourly average of 50 dB, with a maximum level of 70 dB, and a maximum impulsive noise level of 65 dB. From 10 p.m. to 7 a.m. (nighttime), noise levels at the project property line shall not exceed an hourly average of 45 dB, with a maximum level of 65 dB, and a maximum impulsive noise level of 60 dB. To help achieve and ensure compliance with these standards, the project shall do the following:
- Roll-up doors shall be kept closed when noise-producing activities are being conducted inside the agricultural accessory building.

Monitoring: Compliance will be verified by the Department of Planning and Building.

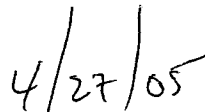
Wastewater

12. Liquid waste generated by the winery operations must be discharged to a constructed wetland as shown on Exhibit 1 designed by a civil engineer and approved by the Regional Water Quality Control Board. Such system shall not create offensive odors or materially impair the quality of groundwater for domestic or agricultural use.

Monitoring: Compliance will be verified by the Department of Planning and Building, in consultation with County Environmental Health and Regional Water Quality Control Board.



Signature of Owner(s)



Date



Name (Print)

4-42

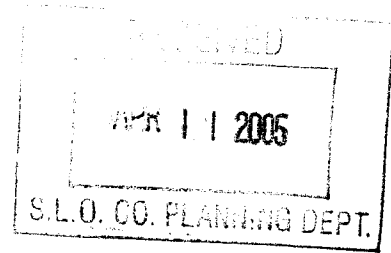
EXHIBIT J

Letters Received

County Commissioner Secretary
County Government Center
1050 Monterey St.
San Luis Obispo, Ca
93408

Brian Pedrotti

4-43



Speizer
DRC2004-00090?

County Commissioners,

This letter is to express my complete satisfaction with the Domaine Alfred Winery's new production facility located at 7525 Orcutt Rd. San Luis Obispo, Ca.

Being one of the closest neighbor's to the project I have an interest in the minimal impact to the neighborhood. Terry Speizer's dedication to this is very evident after reviewing his model's and plans for the new facility as well as his taking time to explain the different features which minimize adverse visual as well as environmental issues.

Mr. Speizer's project as well as his devotion to neighborhood concerns should be commended.

Sincerely,

Joel Schnackenberg
5830 Edna Ranch Circle
San Luis Obispo, Ca. 93401
805-784-0567

RECEIVED

FEB 25 2005

SLO CO PLANNING & BLDG

4-44

LOG ✓

Feb. 20, 2005

Ms. Pat Beck } planning Dept.
Brian Pedratti
Dept. of Planning and Building
County Government Center
S. L. O., Ca. 93408

This letter is concerning the Speizer Winery Development under construction at 7775 Orcutt Rd. In 1999 a development plan was approved by the County Board of Supervisors after two years of negotiations between surrounding residents, community leaders, Katcho Achadjian and Mr. Speizer.

Mr. Speizer has applied for changes to his permits to buildings, wastewater & wetlands.

I strongly feel Mr. Speizer should adhere to the original development as all agreed.

Thank you,
Charles Freese
1195 Tiffany Ranch Rd.
Arroyo Grande, Ca. 93420

cc: Supervisor Achadjian

4-45

RECEIVED

FEB 24 2005

SLO CO PLANNING & BLDG.

Ms. Pat Beck
Department of Planning and Building
San Luis Obispo County Government Center
San Luis Obispo, CA. 93408
20 February 2005

Dear Mrs. Beck:

I am writing to express concern that the County Building and Planning Department may allow Terry Speizer to violate an agreement (Resolution 99-445 dated 2 November 1999) negotiated between the Board of Supervisors, Mr. Speizer and neighborhoods surrounding Mr. Speizer's development at 7775 Orcutt Road.

I would hope that the county governing body would hold Mr. Speizer to the terms of the resolution. Mr. Speizer has applied for changes in the form of conditional use permits to keep an ag accessory building (built in error) and a change to the placement and type of wastewater treatment facility.

I feel the developer should adhere to the provision of the resolution that would keep the winery development within the acreage hidden by the hill. If changes are allowed, it seems that the two years of work by county staff, the supervisors and concerned neighbors to reach an agreement is all for nothing.

Sincerely,
Sandy Copeland
1504 Tiffany Ranch Road
Arroyo Grande, CA 93420

✓ CC: Brian Pedrotti
Supervisor Katcho Achajadian

4-46

Michael F. Cannon
1414 Tiffany Ranch Road
Arroyo Grande, CA 93420
(805) 544-7407

February 9, 2005

Ms. Pat Beck (Assistant Head of Planning Department)
Dept. of Planning and Building
County Government Center
San Luis Obispo, CA 93408

RECEIVED

FEB 14 2005

SLO CO PLANNING & BLDG.

Mr. Katcho Achadjian
Board of Supervisors
County Government Center
San Luis Obispo, CA 93408

RE: 7775 Orcutt Road-Speizer Winery Wastewater Treatment Facility

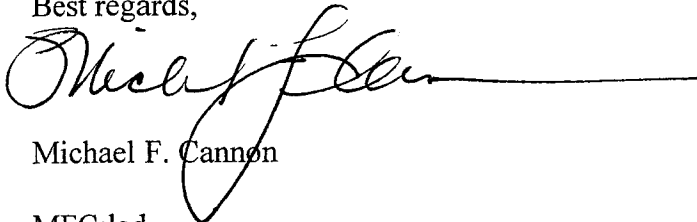
Dear Ms Beck, Mr. Achadjian,

It has been brought to my attention that the Speizer Winery applicants have recently applied for a wetlands type of wastewater treatment facility to be constructed on the southern portion of the parcel, unshielded from the view of existing residences. I also understand that this is a dramatic change from the original agreed upon location.

The facilities, if not properly designed and maintained, produce serious odor and vector problems. Please be fully advised that I, as homeowner located directly down wind from this facility would like to request that there be full community input on this decision and that I strongly oppose any changes to the original agreed upon location.

Thank you in advance for your attention to this matter.

Best regards,



Michael F. Cannon

MFC:lad

4-47

RECEIVED

14 2005

1621 Tiffany Ranch Road
Arroyo Grande, CA 93401

SLO CO PLANNING & BLDG.

February 8, 2005

Mr. Brian Pedrotti
Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408

Dear Mr. Pedrotti:

I am writing to express my concern and outrage that the County Department of Planning and Building allowed Terry Speizer to violate his agreement with the area neighbors which was documented by Resolution Number 99-445, dated November 2, 1999. The Board of Supervisors and planning department well knew of the two years of meetings, discussions, appearances at the Board of Supervisors meetings, plus input from community leaders and agriculture people, to arrive at this resolution in 1999. The neighborhood surrounding Terry's development worked tirelessly to arrive at a compromise plan that was approved by the county.

As one of those who worked for hours and hours to learn about the project, inform neighbors, hold meetings in our home, and speak at many meetings of the Planning Commission and the Board of Supervisors meetings, I am outraged that Mr. Speizer would not keep his agreement. I would expect he would honor an approval given by the County Board of Supervisors. I would also expect the County would hold him to the agreement and require strict adherence to the Conditions of Approval for D970262D-Speizer.

The conditions are there in black and white. They are not puzzling, confusing or capable of being misunderstood. It is clear that Mr. Speizer chose to violate this agreement and that somehow the County Planning Department let it happen.

I feel it is the responsibility of the County to see that Mr. Speizer abide by this agreement in every detail. For Mr. Speizer to be able to build on and develop this parcel in violation of this Resolution would be a mockery of the planning department permitting process and a disservice to all the planners, the planning commission and the Board of Supervisors who worked long and hard for over two years to work out this agreement expressed in this Resolution 99-445.

I urge you to insist on this resolution being followed to the letter even it means tearing down buildings and incurring additional costs. Mr. Speizer knew that was he has done was not allowed in the approval given by the county. I urge the county not to approve a CUP that allows approval for something Mr. Speizer did in violation of Resolution 99-445 dated November 2, 1999.

Sincerely,


Anna Fleming

Ronald S. & Carol R. Lyons

1550 Tiffany Ranch Road
Arroyo Grande, California 93420
(805) 783-1550

4-48

January 31, 2005

Ms. Pat Beck
Dept. of Planning and Building
County Government Center
San Luis Obispo, CA 93408

Dear Ms. Beck:

I am writing in regard to an application by Mr. Terry Speizer for conditional use permits for an ag accessory unit (which has been built illegally) and for a wastewater treatment facility on his winery property at 7775 Orcutt Road. As you know, Mr. Speizer's original application for his winery created considerable concern among a large number of surrounding property owners. As a result, negotiations were conducted and, with the assistance of Supervisor Achadjian, Mr. Don Talley, and other community leaders, an agreement was reached. It is my understanding that this agreement was then approved by the Board of Supervisors.

A tremendous amount of time and effort were expended by a large number of people in reaching this agreement. Now it seems Mr. Speizer is attempting an "end run" around the agreement. I can't say that I am surprised, because during the previous hearings, discussions, and negotiations, he was at times less than forthright. Further, he seemed to display an attitude that he was going to do what he wanted to do regardless of the impact on the neighborhood. This is contrary to the advice he received from Don Talley about the need to "be a good neighbor." Interestingly, it was this advice that seemed to break an impasse and led to the original agreement.

I am very much opposed to both the location of the ag accessory building and to the type and location of the wastewater treatment facility. I strongly urge that Mr. Speizer's application be denied, and that the agreement with the County be enforced with no modifications. To do otherwise would be an affront to the entire neighborhood as well as to the Board of Supervisors and the entire county planning and permit process.

Thank you for your time in considering by concerns and objections.

Sincerely,


Ronald S. Lyons

RECEIVED

FEB 01 2005

Planning & Bldg

January 28, 2005
Re: Speizer Winery Development

4.49

Ms. Pat Beck
Dept. of Planning and Building
County Government Center
San Luis Obispo, CA 93408

Dear Ms. Beck,

Having met with you, Mr. Pedrotti, and Katcho Achadjian on several occasions and having attended the information meeting on January 11, 2005, I have concluded that there is no compelling reason to alter the development plan negotiated over two years and signed by the Board of Supervisors in November of 1999.

I feel the developer should adhere to the original intent of maintaining winery development within acreage hidden by a hill and easily landscaped and mitigated. I feel the ag accessory building, built without proper permits, should be removed and the wastewater treatment facility should be placed adjacent to the winery as originally designed. The pool type of wastewater treatment takes up less space, is easily protected from mosquito infestation, and insures that no pollutants will escape into the groundwater or the blueline creek located in the southern portion of the parcel.

Thank you very much for your efforts in finding a resolution to this matter.

Sincerely,


Andrea Brauning

RECEIVED

FEB 01 2005

Planning & Bldg

4.50

SLO CNTY
PLANNING/BUILDING
DEPT

2004 DEC -1 PM 2:34

Ms. Pat Beck
Department of Planning and Building
San Luis Obispo County Government Center
San Luis Obispo, CA 93408
November 26, 2004

Dear Ms. Beck,

The Tiffany Ranch Association met on November 20, 2004. On our agenda was a discussion of the Speizer Winery Development. We have been told that Mr. Speizer has applied for conditional use permits to keep an ag accessory building and construct a wastewater treatment facility, both in the southern portion of his parcel. These structures are far from the agreed upon winery buildings and are in an area that was supposed to have been protected from development by our 1999 agreement. This violates the intent of the agreement negotiated by Mr. Speizer, the neighbors, and community leaders. The agreement was signed by the Board of Supervisors to prevent problems in the future. We strongly feel the developer should adhere to the original intent of maintaining winery development within acreage hidden by a hill and easily landscaped and mitigated. We therefore feel the ag accessory building, clearly visible offsite, should be removed and the wastewater treatment facility should be placed adjacent to the winery.

Sincerely,

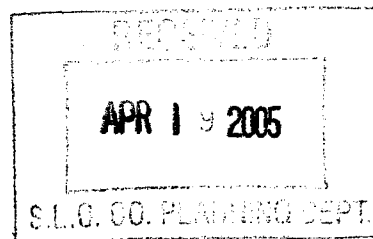


Sandy Copeland, Secretary
Tiffany Ranch Association

Cc: Brian Pedrotti, Katcho Achadjian

451

April 17, 2005



County of San Luis Obispo
Planning Commission
County Government Center
San Luis Obispo, CA 93408

Dear Commissioners,

We are writing to support the application of Terry Speizer and Domaine Alfred Winery for constructed wetlands and a new barn.

We live on one of the hills between Tiffany Ranch Road and Corbett Canyon Road, and consider ourselves neighbors. Our home is actually above Tiffany Ranch Road and so faces the Edna Valley. Consequently, our view includes much of the Domaine Alfred property. Terry Speizer and Domaine Alfred have been excellent neighbors and what has been done so far with the old Chamisal Winery is truly a benefit to the area. We consider ourselves lucky to have Terry and Domaine Alfred in the neighborhood.

It is our understanding that Terry has complied with all requirements and requests, and we believe his application should be approved. If we can offer any further support or answer any questions, please do not hesitate to contact us.

Very truly yours,

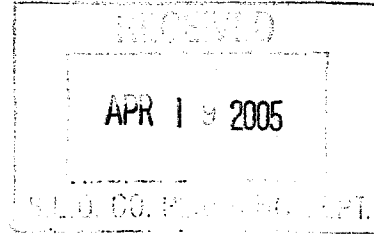
Betsey Kelton

Frank Kelton

Betsey and Frank Kelton
1710 Condado Vista Court
Arroyo Grande, CA 93420
(805) 544-1023

4.52

April 17, 2005



County of San Luis Obispo
Planning Commission
County Government Center
San Luis Obispo, CA 93408

Dear Commissioners,

Terry Speizer of Domaine Alfred Winery has applied for a permit to establish constructed wetlands and a new barn. We support his effort and consider the improvements to be in character with this part of the county.

Our property overlooks the Edna Valley from above Tiffany Ranch Road and we consider the wine-growing region a real asset to the area in which we reside. Terry Speizer and his Domaine Alfred Winery is a good neighbor and his presence adds considerable ambiance to our rural community. Not only has Terry Speizer been a good neighbor, he has also created, with his stewardship of the land, a truly world class winery from the old Chamisal property. It is this kind of dedication that is such an important part of the character of this truly wonderful place in which we live. We support Terry Speizer's effort to continue this tradition in the future.

We understand that Terry has met all requirements and we support a speedy approval of his application. Do not hesitate to contact us should you have any questions.

Yours Truly,

Terry and Suzanne Rutlin
1730 Condado Vista Court
Arroyo Grande, CA 93420
805-547-1770

4.53

EXHIBIT K

Referral Comments



California Regional Water Quality Control Board

Central Coast Region



Arnold
Schwarzenegger

Ian C. Lloyd, Ph.D.
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov>
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401
Phone (805) 549-3147 • FAX (805) 543-0397

March 7, 2005

4.54

RECEIVED

MAR 11 2005

SLC CC PLANNING & BLDG.

Terry Speizer
Domaine Alfred Winery
7525 Orcutt Road
San Luis Obispo, CA 93401

Dear Mr. Speizer:

NOTICE OF ENROLLMENT UNDER GENERAL WASTE DISCHARGE REQUIREMENTS FOR WINERIES AND TRANSMITTAL OF MODIFIED MONITORING AND REPORTING PROGRAM NO. R3-2003-0084, DOMAINE ALFRED WINERY, SAN LUIS OBISPO COUNTY

Thank you for submitting a Notice of Intent to Comply with the Terms of the General Waste Discharge Requirements for Discharges of Winery Waste (General WDRs) and first annual fee for Domaine Alfred Winery. Based on the information provided, we understand the following:

- The winery is located at 7677 Orcutt Road, San Luis Obispo County, at Assessor's Parcel No. 044-231-045.
- Wine production will be expanded to 26,000 cases annually. Peak process wastewater flow will be 2,250 gallons per day during the crush season. Waste discharge will be minimized by water conservation (e.g. pressure washers for cleaning), use of ozone in lieu of some cleaning compounds, and reverse osmosis instead of water softeners.
- Process wastewater will be screened by floor drain screens, clarified in a 7,000-gallon septic tank(s), and treated in a subsurface treatment constructed wetland. The treatment constructed wetland will be 2,800 ft² by 3 feet deep, lined with plastic, filled with pea gravel, and planted with hydrophytic plants. Treatment will occur subsurface in the plant root zone. The treatment constructed wetland is expected to remove 98% of BOD, and 99% of solids from process wastewater. Treated wastewater will be disposed via evaporation and percolation in an approximately 10,000 ft² by 6 ft deep evaporative constructed wetland. The evaporative constructed wetland will be located at least 100 feet from any watercourse.
- Pomace and screenings will be composted at a dedicated composting area for at least six months and then incorporated into surrounding soils.

Based on the above description, regulation of the winery process waste discharge at Domaine Alfred Winery by the General WDRs is appropriate. Domaine Alfred Winery is hereby enrolled under the General WDRs. Enrollment under the General WDRs requires you to follow Monitoring and Reporting Program (MRP) No. R3-2003-0084. The MRP has been modified specifically for Domaine Alfred Winery and is attached. Please implement the MRP immediately after the wetland system comes online. Note that the first

California Environmental Protection Agency



Recycled Paper

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 Aerovista Place, Suite 101
San Luis Obispo, California 93401

4-55

MONITORING AND REPORTING PROGRAM NO. R3-2002-0084
Modified June 7, 2005

for

DOMAINE ALFRED WINERY
SAN LUIS OBISPO COUNTY

WATER SUPPLY MONITORING

Representative samples of the winery water supply shall be collected and analyzed as follows:

Constituent	Units	Sample Type	Minimum Frequency of Sampling and Analysis
Total Dissolved Solids	mg/L	Grab	Annually
Chloride	mg/L	Grab	" "
Sodium	mg/L	Grab	" "
Boron	mg/L	Grab	" "
pH	--	Grab	" "

PRODUCTION MONITORING

Winery production shall be reported as follows:

Parameter	Units	Sample Type	Reporting Frequency
Start and End of Crush	Dates	--	Annually
Duration of Crush	Days	--	" "
Grapes Crushed	Tons/year	Measured	" "
Wine Production	Cases/year	Measured	" "

CHEMICAL USAGE MONITORING

A summary of volumes and types of any chemicals used at the winery shall be included with each monitoring report.

4.56

SAMPLING AND ANALYSIS PROVISIONS

1. All sampling, sample preservation, and analysis shall be performed in accordance with the latest edition of 40 CFR Part 136 "Guidelines Establishing Test Procedures for the Analysis of Pollutants". The Executive Officer may specify test methods that are more sensitive than those specified in 40 CFR Part 136.
2. Periodic samples shall be taken at regular intervals and be representative of the monitored activity.
3. All analytical services shall be conducted at a laboratory certified for such analyses by the State Department of Health, or at a laboratory approved by the Executive Officer.
4. All analytical data shall be reported with method detection limits (MDLs) and with identification of either practical quantitation levels (PQLs) or limits of quantitation (LOQs).
5. All monitoring instruments and devices used by the discharger to fulfill this Monitoring and Reporting Program shall be properly maintained and calibrated, as necessary to ensure their continued accuracy.

REPORTING PROVISIONS

1. Monitoring reports shall be submitted to the Regional Board annually, **by February 1 of each year**. Monitoring reports shall contain all monitoring data obtained during the previous calendar year. The report shall discuss the compliance record and corrective actions taken, or which may be needed, to bring the discharge into full compliance with the General WDRs.
2. Monitoring data shall be arranged in tabular format so that the date, constituents, and concentrations are readily discernible. The data shall be summarized in such a manner to clearly illustrate whether the discharge complies with effluent limitations.
3. The Discharger shall also submit monitoring data and the monitoring reports electronically. Electronic data should be formatted into a Microsoft Excel or equivalent spreadsheet. Electronic report templates are available by contacting Regional Board staff at (805) 549-3147. Electronic submittal should be provided on either 3.5-inch disk or optical compact disk. Electronic data storage media should be labeled with facility name and period of monitoring.
4. If the Discharger monitors any pollutant more frequently than is required by this monitoring program, the results of such monitoring shall be included in the monitoring reports (i.e., quarterly groundwater elevation, etc.).
5. All monitoring reports shall be signed and certified in accordance with Section E.10 and 11 of the General WDRs.
6. The Discharger shall deliver a copy of each monitoring report in the appropriate format to the Central Coast Regional Water Quality Control Board at the following address:

895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401
7. The Discharger shall assure that records of all monitoring information are maintained and accessible for a period of at least five years from the date of the sample. This period of retention shall be



California Regional Water Quality Control Board

Central Coast Region



Arnold
Schwarzenegger

Alan C. Lloyd, Ph.D.
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov>
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401
Phone (805) 549-3147 • FAX (805) 543-0397

February 18, 2005

4-51

RECEIVED

FEB 22 2005

SLO CO PLANNING & BLDG.

Brian Pedrotti
SLO County Planning and Building Dept.
County Government Center
San Luis Obispo, CA 93408

Dear Mr. Pedrotti:

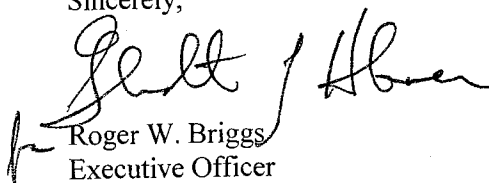
DOMAINE ALFRED WINERY'S PROPOSED PROCESS WASTEWATER SYSTEM, 7525 ORCUTT ROAD, SAN LUIS OBISPO COUNTY

We understand you are currently preparing environmental documentation for Domaine Alfred Winery's proposed constructed wetland process wastewater treatment system at 7575 Orcutt Road, San Luis Obispo County. We wish to express general support for the constructed wetland treatment system. In the past, wineries of this size might utilize a conventional septic system, which are prone to failure. Constructed wetlands are an effective alternative to septic systems, and a less energy-consuming alternative to aerated pond systems. We hope that Domaine Alfred Winery's constructed wetland system will serve as model solution for other wineries in San Luis Obispo County.

Domaine Alfred Winery has submitted a complete Report of Waste Discharge for the proposed constructed wetland system, and we plan to enroll it under our General Waste Discharge Requirements for Wineries in the near future. We anticipate that the wastewater system will have little or no impact on water quality.

If you have any questions, please feel free to contact **Matt Thompson at (805) 549-3159** or Gerhardt Hubner at (805) 542-4647.

Sincerely,


Roger W. Briggs
Executive Officer

cc:

Tim Woodle
Pults & Associates
3450 Broad Street, Suite 106
San Luis Obispo, CA 93401

S:\WDR\WDR Facilities\San Luis Obispo Co\Domaine Alfred Winery\Support for Constructed Wetland.doc
File: NEW: General WDRs Wineries, Domaine Alfred Winery

California Environmental Protection Agency



Recycled Paper



AIR POLLUTION
CONTROL DISTRICT
COUNTY OF SAN LUIS OBISPO

4.58

DATE: November 10, 2004

TO: South County Team
San Luis Obispo County Department of Planning and Building

FROM: Melissa Guise *MG*
San Luis Obispo County Air Pollution Control District

SUBJECT: Speizer Agriculture Use Building (DRC 2004-00090)

Thank you for including the APCD in the environmental review process. We have completed our review of the proposed project located at 7527 Orcutt Road in San Luis Obispo. The project as proposed would construct a 3,000 sq. ft. building for agricultural use. We have the following comments regarding this project.

GENERAL COMMENTS:

As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. **Please address the action items contained in this letter that are highlighted by bold and underlined text.**

CONSTRUCTION PHASE MITIGATION:

Based on the information provided, the air quality impacts from the construction phase of the project will exceed the District's CEQA significance threshold for grading (4.0) acres. **The project shall be conditioned to comply with all applicable Air Pollution Control District regulations pertaining to the control of fugitive dust (PM10) as contained in section 6.5 of the Air Quality Handbook. All site grading and demolition plans noted shall list the following regulations:**

- a. Reduce the amount of the disturbed area where possible.
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible.
- c. All dirt stock pile areas should be sprayed daily as needed.
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities.
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating native grass seed and watered until vegetation is established.
- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.

4.59

- j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.

All PM10 mitigation measures required should be shown on grading and building plans. In addition, the contractor or builder should designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. **The name and telephone number of such persons shall be provided to the APCD prior to land use clearance for map recordation and finished grading of the area.**

Demolition Activities

Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during demolition or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines (transite pipes or insulation on pipes). **If utility pipelines are scheduled for removal or relocation; or building(s) are removed or renovated this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP).** These requirements include but are not limited to: 1) notification requirements to the District, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM. Please contact Tim Fuhs of the Enforcement Division at 781-5912 for further information.

Naturally Occurring Asbestos

The project site is located in a candidate area for Naturally Occurring Asbestos (NOA), which has been identified as a toxic air contaminant by the California Air Resources Board (ARB). Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to any grading activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District (see Attachment 1). If NOA is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM.** This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. Please refer to the APCD web page at <http://www.slocleanair.org/business/asbestos.asp> for more information or contact Karen Brooks of our Enforcement Division at 781-5912.

Developmental Burning

Effective February 25, 2000, **the APCD prohibited developmental burning of vegetative material within San Luis Obispo County.** Under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. This requires prior application, payment of fee based on the size of the project, APCD approval, and issuance of a burn permit by the APCD and the local fire department authority. The applicant is required to furnish the APCD with the study of technical feasibility (which includes costs and other constraints) at the time of application. If you have any questions regarding these requirements, contact Karen Brooks of our Enforcement Division at 781-5912.

4-60

Speizer Agricultural Use Building
November 10, 2004
Page 3 of 3

Permits

Based on the information provided, we are unsure of the types of equipment that may be present at the site. Portable equipment used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit. Operational sources may also require APCD permits. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive.

- Waste water treatment plant (one of the drawing showed a water treatment plant. Depending on the type of plant a permit may be required to construct and operate this plant)
- Portable generators
- Chemical product processing and or manufacturing
- Electrical generation plants or the use of standby generator
- Boilers
- IC Engines

To minimize potential delays, prior to the start of the project, please contact David Dixon of the District's Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, or if you would like to receive an electronic version of this letter, feel free to contact me at 781-5912.

MAG/sll

cc: Tim Fuhs, SLOAPCD Enforcement Division
Karen Brooks, SLOAPCD Enforcement Division
David Dixon, SLO APCD Engineering Division

Attachment: NOA Construction & Grading Project – Exemption Request Form

Naturally Occurring Asbestos – Construction & Grading

Project – Exemption Request Form

Send To:

San Luis Obispo County Air
Pollution Control District
3433 Roberto Court
San Luis Obispo, CA 93401

4-61



Fax: (805) 781-1002

Applicant Information/ Property Owner		Project Name	
Address		Project Address and /or Assessors Parcel Number	
City, State, Zip		City, State, Zip	
Phone Number	Date Submitted	Agent	Phone Number

The District may provide an exemption from Section 93105 of the California Code of Regulations - Asbestos Airborne Toxic Control Measure For Construction, Grading, Quarrying, And Surface Mining Operations for any property that has any portion of the area to be disturbed located in a geographic ultramafic rock unit; if a registered geologist has conducted a geologic evaluation of the property and determined that no serpentine or ultramafic rock is likely to be found in the area to be disturbed. Before an exemption can be granted, the owner/operator must provide a copy of a report detailing the geologic evaluation to the District for consideration. The District will approve or deny the exemption within 90 days. An outline of the required geological evaluation is provided in the District handout "**ASBESTOS AIRBORNE TOXIC CONTROL MEASURES FOR CONSTRUCTION, GRADING, QUARRYING, AND SURFACE MINING OPERATIONS – Geological Evaluation Requirements**".

APPLICANT MUST SIGN BELOW:	
I request the San Luis Obispo Air Pollution Control District grant this project exemption from the requirements of the ATCM based on the attached geological evaluation.	
Legal Declaration/Authorized Signature:	
Date:	

OFFICE USE ONLY - APCD Required Element – Geological Evaluation			
APCD Staff:		Intake Date:	OIS Tracking Number:
Approved	Not Approved	APCD Staff:	Date Reviewed:
Comments:			



COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY (805) 781-5910
AGRICULTURAL COMMISSIONER/SEALER FAX (805) 781-1035

AgCommSLO@co.slo.ca.us

DATE: February 8, 2005

TO: Brian Pedrotti, Planner III

FROM: Lynda L. Auchinachie, Agriculture Department *JA*

SUBJECT: Speizer Conditional Use Permit DRC2004-00090 (0965)

The following report responds to your request for comments on the Speizer Conditional Use Permit. A site evaluation was conducted during January, 2005. The comments and recommendations in our report are based on current departmental policy to conserve agriculture resources and to provide for public health, safety and welfare while mitigating negative impact of development to agriculture.

Project Description and Agricultural Setting

The applicant is requesting to modify an approved Development Plan/Conditional Use Permit to allow for the development of an agricultural accessory structure and constructed wetland/winery wastewater processing facility at a location outside of the existing building envelope. The total area of development would remain a maximum of 6.5 acres. The applicant is also requesting to temporarily stockpile soil from the on-site winery construction project.

The project site is located in the Edna Valley northwest of the Tiffany Ranch development. This area supports wine grape vineyards, vegetable production and field crops. The project site consists of the prime soils *Salinas silty clay loam* and *Marimel sandy clay loam* as well as the non-prime soils *Tierra loam* and *Chamise shaly loam*. The project site currently supports approximately 23 acres of vineyards. A winery facility is under construction within a designated building envelope located on prime soils. An agricultural accessory structure has been established in an area classified as prime soils. An on site inspection indicated crop production in the area of the accessory structure may be compromised due to drainage issues.

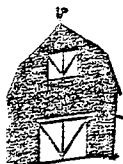
Project Impacts to Agricultural Resources

The proposed modifications would result in similar impacts to agricultural resources as the original proposal due to the amount of conversion of prime soils. The accessory structure and constructed wetlands would not have a land use impact on adjacent agricultural lands. The applicant has indicated the stockpiled soil will be used on-site for crop production and/or landscaping for the winery development, which would not adversely impact agricultural resources. No mitigation is recommended.

4-63

Comments and recommendations are based on policies in the San Luis Obispo County Agriculture and Open Space Element, the Land Use Ordinance, the California Environmental Quality Act (CEQA), and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture.

If you have questions, please call 781-5914.



AGRICULTURAL BUILDING EXEMPTION APPLICATION

San Luis Obispo County Department of Planning and Building

30223B

I, the undersigned hereby apply for an agricultural building exemption as allowed by Section 1.04.022 of the San Luis Obispo County Code, for the building and parcel described in the application.

Note: In the Coastal Zone all buildings require a Coastal Development Permit (Land Use Permit)

4-64

APPLICANT INFORMATION

Indowner Name A. Terry Speizer
Daytime Phone: 805-801-8463
Mailing Address 7525 Orcutt Rd, San Luis Obispo State CA Zip: 93401

PROPERTY INFORMATION

Assessor Parcel Number(s): 044,231,045 Total Size of Site: 62.5 Acres
Legal Description: Lot/Block Parcel 1 Tract/Parcel Map No. C084 279
Section/ Township/Range County N/A (38 PM 90)
Project address: 7767 Orcutt Rd
Describe the current agricultural use of the property: Grapes

DESCRIPTION OF EXEMPT BUILDING

Floor Area: 3000 sq. ft Height: 21 feet
Building will be used for: Agricultural storage of equipment and produce

LEGAL DECLARATION

In filing for this exemption, I certify the structure will not be used for any purpose other than those allowed for an agricultural building as defined by Section 202 of the Uniform Building Code (UBC). No portion of the building will be used for living or sleeping quarters, the sale of merchandise, agricultural processing, or any other use that is not directly related to the agricultural operations on the same property. I also certify that all work will comply with the provisions of applicable construction codes and other laws/ordinances of this jurisdiction. Unless otherwise exempted, separate plumbing, electrical and mechanical permits will be required for the ag-exempt building.

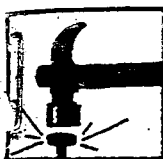
I have read and understand the above and the information on the reverse of this form, and am aware of the enforcement provisions of the San Luis Obispo County Code for violations thereof. I agree to allow routine inspections by those authorized to do so, at reasonable hours, to assure continuing compliance with this exemption.

Property owner signature A. Terry Speizer Date 4/15/03

OFFICE USE ONLY

Date Received: 4/15/03 By: meets stnd's Planning Area RSLO Community Code _____
Comments _____ Land Category: Ag Combining Designation: _____
Planning Division Review by: _____ Building Division Clearance by: _____

30223B-1

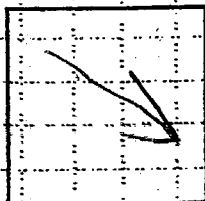
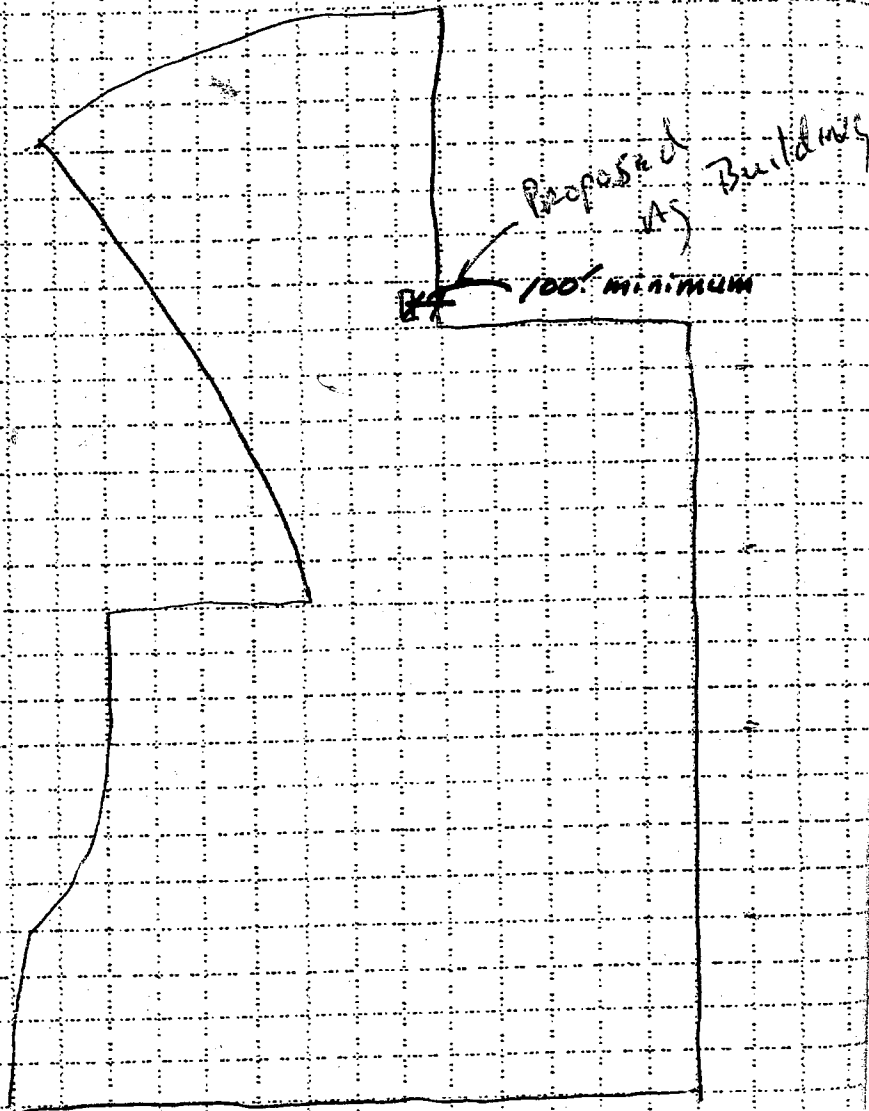


PROPERTY AND PROJECT LAYOUT

San Luis Obispo County Department of Planning and Building

NOTE: Please make sure you put all the required information as specified on the back of this form on the plan, and that you include an accurately drawn vicinity map that shows how to drive the property.

4-65



NORTH

OWNERS NAME: TERRY SPEITZ

SITE ADDRESS: 7767 ORCUTT RD

SITE A.P.N.: 044,231,045

SCALE: 1 in. = 500 ft

(OVER)